

Accordingly, the removal of the objection to this claim is appropriate.

Also, claim 1 has been amended in part (a) to insert after "geometric patterns are three dimensional" the wording -- comprising at least one geometric shape -- Part (b) has been amended by changing "a geometric shape" to -- the geometric shape of (a) --. No new matter is present with this change. Part (a) of the claim provides antecedent support for "the" geometric shape in part (b). Thus, claim 1 is of the scope that of the geometric shape of part (a) is required to have a different visual appearance due to different cross sections of the geometric shape being exposed on the surface of the material.

Although the method claims are not under consideration, the Examiner's attention is respectfully directed to steps (iii), (iv) and (v) requiring (iii) dividing... into discrete portions, (iv) combining the individual discrete portions and (v) fusing adjacent surfaces of the individual discrete portions.

It is directly pointed out that claim 1 and all dependent claims are not readable on and do not encompass an article which merely has swirls extending from a surface inward of the article.

Claims 1 to 9 stand rejected under 35 USC 112. The Office rejection initially states:

The recitation "the visual appearance of the geometric patterns vary due to different cross sections of a geometric shape being exposed on the surface of the material" in claim 1 is deemed vague and indefinite. What do you mean by "different cross sections"? Clarification is requested.

In reply, it is initially noted that the geometric pattern is three dimensional. For purpose of illustration, the undersigned has drafted this response in handwriting on a legal ruled pad. The pad has a number of lines creating a geometric pattern and a number of sheets creating a three dimensional pattern of the lines. Visually viewing the lines while flat on a surface creates one visual appearance of a geometric pattern. However, if the pad is tilted toward the observer such as at 30 degrees, 45 degrees and 60 degrees, three new geometric patterns would be present to the observer. Hence, in this illustration, four different patterns would be present. Rather than viewing a surface as above, the same geometric patterns could be obtained through cross sectioning of the pad. Accordingly, removal of the grounds of rejection is proper.

The Office rejection under 35 USC 112 further states:

The recitation "contains additional thermoset composition which is not present in the geometric patterns" in claim 6 is deemed vague and indefinite. How can that be? What do you mean? Clarification is requested.

In answer, for purposes of illustration, the decorative material could have an area where no geometric pattern was present. In such area a thermoset composition would be present which is not present in the pattern required in present claim 1. Removal of this grounds of rejection is proper.

Claims 1, 2 and 4 to 9 stand rejected under 35 USC 102(b) as being anticipated by Barnett USP 5,820,799. The Office action states:

Barnett discloses a decorative material having geometric patterns on a surface (Fig. 2) thereof the geometric patterns are formed from at least two contrasting thermoset compositions (see col. 4, lines 43-55) a) wherein the geometric patterns are three dimensional and extend inwardly from a surface of the material (see col 2., lines 5-10) and b) wherein the visual appearance of the geometric patterns appear to vary due to the different cross sections of a geometric shape being exposed on the surface of the material.

Also, for claims 2 and 4 to 9 the Office rejection states:

Regarding claim 2, the geometric patterns appear to extend throughout interior portions of the decorative material (see col. 2, lines 5-10). Regarding claims 4 and 5, the geometric patterns comprise swirls (see col. 3, lines 40-42). Regarding claim 6, note an additional thermoset composition which is not present in the geometric patterns (see col. 4, lines 61-67). Regarding claim 7, at least one of the molding compositions comprises an acrylic (see col. 4, lines 16-19). Regarding claims 8 and 9, the filler comprises alumina trihydrate (see col. 2, lines 39-41).

In response to this grounds of rejection, it is pointed out that claim 1 requires a visual appearance of geometric patterns to vary due to different cross sections of the geometric shape being exposed (emphasis added). Thus, if the geometric shape is a swirl, different cross sections of the swirl are exposed. Again, it is emphasized that for a single swirl, different cross sections of the swirl are exposed.

Turning to the Barnett publication, it is admittedly true that, illustratively, a teaching of formation of swirls is present in the wording "produces the swirls found in cultured marbled materials". However, this wording do not encompass or render obvious under 35 USC 102(b) or 35 USC 103, the surface of an article having different cross sections on a surface of the same geometric shape. Barnett stands merely for a multitude of swirls being present, Barnett is not capable of forming different cross sections of the same swirl.

As set forth previously in this amendment, a technique for forming different cross sections of a geometric shape are set forth in method claim 10 wherein three steps are provided, namely:

- (iii) dividing the combined molding compositions into individual discrete portions in a manner that reveals cross sections of the geometric shape,
- (iv) combining the individual discrete portions containing cross sections of the geometric shape, and
- (v) fusing adjacent surfaces of individual discrete portions to form the decorative material having geometric patterns.

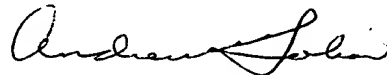
For the reasons set forth above, Barnett is not applicable to claim 1. Furthermore, dependent claims 2 and 4 to 9 add further limitations which lie outside the scope of this publication.

In summary, Barnett discloses the use of two different marble casting resins which "are at least partially incompatible" (column 1, lines 41 and 42). Barnett does not teach any method which is capable of making an article set forth by the present claims.

Claim 7 stands rejected over Barnett, previously applied, further in view of Takahashi USP 6,428,875. The secondary teaching of Takahashi is applied to disclose stripes with references to column 6, lines 40 to 43. In traversal, it is pointed out that there is no technique in Barnett which when modified by Takahashi of forming stripes wherein different cross sections of the same stripes are exposed on a surface. Accordingly, the rejection must fail.

In summary, reconsideration and removal of all objections and rejections of the claims is requested. The reasons why the rejections under 35 USC 112, 35 USC 102 and 35 USC 103 are inapplicable have been set forth. A notice of allowance is solicited.

Respectfully submitted,



**ANDREW G. GOLIAN**  
ATTORNEY FOR APPLICANTS  
Registration No.: 25,293  
Telephone: (302) 892-0747  
Facsimile: (302) 892-7343

Dated: December 10, 2002

**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

In showing the changes, deleted material is shown as brackets, and inserted material is shown underlining.

**IN THE CLAIMS:**

Amend claim 1 as follows:

1. A decorative material [having] comprising geometric patterns on a surface thereof wherein the geometric patterns are formed from at least two contrasting thermoset compositions:
  - (a) wherein the geometric patterns are three dimensional comprising at least one geometric shape and extend inwardly from a surface of the material, and
  - (b) wherein the visual appearance of the geometric patterns vary due to different cross sections of [a] the geometric shape of (a) being exposed on the surface of the material.